AF/IRW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	Ortiz et al.	EXAMINER:	Patrick H. Cathey II
SERIAL NO.:	09/902,348	GROUP:	2613
FILED:	07/10/2001	DOCKET:	1000-1058

TITLE: PROVIDING MULTIPLE PERSPECTIVES OF A VENUE ACTIVITY TO ELECTRONIC WIRELESS HAND HELD DEVICES

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Luis M. Ortiz — 2/27/06 date

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APPEAL BRIEF FILED UNDER C.F.R. §1.192
AMENDED BY APPELLANTS' TO COMPLY WITH 37 CFR 41.37(C)

Dear Sir:

In response to the Notification of Non-Compliant Appeal Brief dated January 30, 2006, please accepted this amended brief with correction to include items required under 37 C.F.R. 41.37(c).

This replacement brief is being submitted in triplicate.

I. REAL PARTY IN INTEREST

Luis M. Ortiz and Kermit D. Lopez are co-inventors of and also the real parties in interest in the present invention. Messrs Ortiz and Lopez are the "Appellants" entitled to bring forward this appeal.

II. RELATED APPEALS AND INTERFERENCES

U.S. Application Serial No. 09/708,776, filed 11/08/2000 and filed for appeal on September 6, 2005.

III. STATUS OF CLAIMS

The application was originally filed with 39 claims numbered 1-38 because two duplicate claims were erroneously submitted. In the first office action dated September 22, 2004, the Examiner rejected claims 1-39. The Examiner also recognized a discrepancy in claim numbering and objected to claims 3 as redundant to claim 2. The Examiner requested that all claims in the application be renumbered. Applications responded to the first office action with a response and an amendment in which original claims 1, 2, 3, 4, 6, 7, 8, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 35, 36, and 37 were amended to correct numbering, claim 38 remained in original form, and new claims 39-56 were added. In a second, FINAL office action the Examiner rejected claims 1-56. Claims 3, 39, 42, 46 and 51 were amended in response to the final action. In an Advisory Action, the amendments to claims 3, 39, 42, 46 and 51 were entered, but claims 1-56 remained rejected.

Claims 1, 2, 4-8, 10-13, 18-32, 39, 42, 46 and 51 have all been once amended, claim 3 was twice amended. Claims 1-56 are pending in the application.

The final rejection of claims 1-56 is appealed.

IV. STATUS OF AMENDMENTS

An Amendment and response was filed on April 26, 2005 in response to the FINAL rejection. The paper filed on April 26, 2005 was in response to a final rejection dated March 15, 2005. All of the amendments contained in the April 26, 2005 paper have been entered by the Examiner. Claims 1-56 are the subject of this appeal.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The invention claimed in independent claims 1, 18, 19, 20, 21, 35, and 37 provides methods and systems that enable the capture of live venue-based data including *simultaneously viewable video images* for RF transmission to hand held devices and that enable simultaneous, real-time viewing/display of video images on displays associated with hand held devices. The key aspect of Appellants' invention is *simultaneous viewing of more than one video image captured by cameras at an entertainment venue on a single display associated with hand held devices*.

The language specifically distinguishing the independent claims from the art of record is underlined for claims 1, 18, 19, 20, 21, 35, and 38 below:

1. A method for providing venue-based data to *hand held devices*, said method comprising the steps of:

capturing video images from more than one perspective of a venue-based activity using more than one video camera; and

processing said video images into venue-based data formatted for wireless transmission via a wireless network for use by more than one *hand held device* each *having a display screen adapted for simultaneously viewing more than one perspective of venue-based data captured by more than one video camera*.

18. A method for wirelessly transmitting venue-based data to at least one *hand held device having a display screen*, said method comprising the steps of:

wirelessly transmitting venue-based data including video to at least one hand held device from at least one venue-based data source;

processing said venue-based data to provide processed data including more than one video perspective for display on said display screen associated with said at least one hand held device; and

simultaneously displaying more than one video perspective processed data on said display screen of said at least one hand held device, thereby enabling a user of said at least one hand held device to view more than one video perspective at a time through said at least one hand held device.

19. A method for transmitting more than one perspective captured at a venue-based activity to *hand held devices* through a wireless network, said method comprising the steps of:

capturing video images from more than one perspective of a venue-based activity using more than one video camera;

processing said more than one perspective for display on a display screen associated with said hand held device; and

simultaneously transmitting more than one perspective of a venue-based activity to hand held devices from at least one venue-based data source, thereby enabling a user of said hand held device to simultaneously view venue-based perspectives through said hand held device.

20. A method for displaying a particular perspective of a venue-based activity at a *hand held device having a display screen*, said method comprising the steps of:

simultaneously capturing a plurality of video perspectives of a venue-based activity utilizing more than one camera;

processing said plurality of video perspectives for display on a display screen associated with said hand held device;

wirelessly transmitting to said ~~a~~ hand held device said plurality of video perspectives of a venue-based activity from said at least one venue-based data source;

simultaneously displaying more than one video perspective on said display screen; and

displaying a particular video perspective on said ~~a~~ display screen, in response to a user selection of said particular video perspective from among said more than one video perspective.

21. A system for providing venue-based data to *hand held devices*, said system comprising:

at least one transmitter adapted for transmitting video from said at least one venue-based data source to said *hand held devices adapted with a display screen for simultaneously displaying more than one video perspective captured at an entertainment venue*.

35. A system for *wirelessly transmitting venue-based data in packets to venue-based wireless hand held devices*, said system comprising:

at least one processor for processing data captured by at least one venue-based video camera into data packets for transmission to remote wireless hand held devices, *wherein said wireless hand held devices each comprise a display screen for displaying said data*; and

at least one transmitter for *wirelessly transmitting said data packets to a said remote wireless hand held devices.*

37. A system for *transmitting more than one video perspective of a venue-based activity for display at at least one hand held device* located at said venue, said system comprising:

a server for processing *data representing said more than one video perspective captured by more than one venue-based video camera for transmission to said at least one hand held device*, wherein said at least one *hand held device is associated with a display screen for displaying said data*; and

a wireless gateway for transmitting said more than one video perspective to said at least one *hand held device*.

The invention as shown claimed in each of the above claims is explicitly described in the specification enables the capturing of video images from more than one perspective of a venue-based activity using more than one video camera and processing of the video images into venue-based data formatted for wireless transmission via a wireless communications for display at the venue by more than one hand held device including a display screen and adapted for simultaneously viewing of more than one perspective of venue-based data captured by more than one video camera. In particular, reference is made to Figures 5 and 7 and the supporting specification describing these two figures.

FIG. 5 of Appellants' specification is shown below to illustrate a typical scenario wherein a hand held device 60 is able to display images captured at a sports venue by cameras C_1, C_2, C_3 and C_4. The images are wirelessly received through a wireless data transmitter/receiver 110. A server 100 is shown as receiving captured images as data (D_1, D_2, D_3 and D_4) in order to format the data for display at on a display screen 61 provided as part of the hand held device 60.

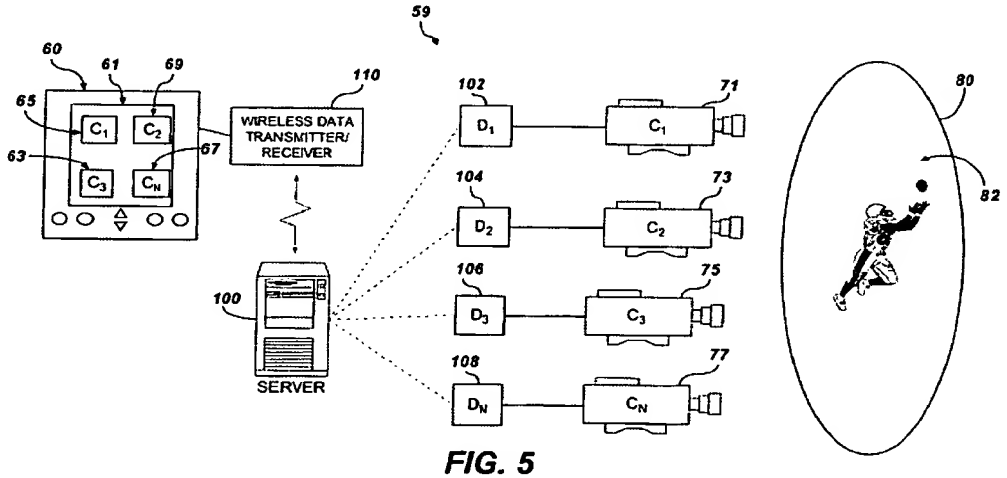


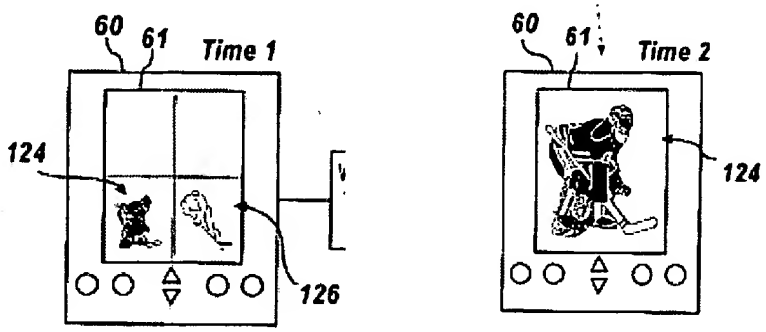
FIG. 5

The invention as claimed and explicitly defined in the specification also provides that data displayed on the hand held device can include simultaneous video (C_1 - C_N) captured by cameras at a venue, instant replay video data, promotional information, and advertising information.

The invention as claimed and explicitly defined in the specification also provides that hand held devices 56 receiving venue-based data can process the data for simultaneous display on a display screen 52 associated with the hand held

devices, thereby enabling users of the at least one hand held device to view more than one video perspective at a time through the at least one hand held device.

The invention as claimed and explicitly defined in the specification also provides that a user can have a hand held device display a single video perspective on the display screen following a user selection of the single video perspective at the user interface displaying the processed data including simultaneous video images 124 and 126 on said display screen 61 as shown below in the examples of Time 1 and Time 2 taken from FIG. 7 of Appellants' specification, in response to user input through a user interface 61 (e.g., touch sensitive-enabled display) associated with the hand held device 60.



Hand held devices used in the invention as claimed and explicitly defined in the specification can include PDAs, hand held televisions and data-enabled wireless telephones having an integrated display screen.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- **Whether independent claims 1, 18, 19, 20, 21 , 35 and 37 are nonobvious and patentable over Anderson, Jr. et al., "Anderson" (U.S. Patent No. 6,578,203) in view of Jain et al., "Jain" (US Patent No. 5,729, 471).**

- **Whether independent claim 41 is nonobvious and patentable over Anderson in view of Jain and in further view of Blanchard et al., "Blanchard" (US Patent No. 6,782,102).**

- **Whether independent claims 45 and 50 are nonobvious and patentable over Anderson in view of Jain and in further view of Ausems et al., "Ausems" (US 6,434,403).**

The focus of Appellants' argument will be on Independent claims; therefore, ten (XI) groups of claims associated with independent claims 1, 18, 19, 20, 21, 35, and 38 are being consolidated together for simplification of argument and appellate review as follows:

GROUP I CLAIMS:

Group I consists of claims 1-17. Claim 1 is independent. Claims 2-17 stand or fall with independent claim 1.

Independent claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson, Jr. et al., "Anderson" (U.S. Patent No. 6,578,203) in view of Jain et al., "Jain" (US Patent No. 5,729, 471).

GROUP II CLAIMS:

Group II consists of independent claim 18.

Independent claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Jain.

GROUP III CLAIMS:

Group III consists of independent claim 19.

Independent claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Jain.

GROUP IV CLAIMS:

Group IV consists of independent claim 20.

Independent claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Jain.

GROUP V CLAIMS:

Group V consists of claim 21-34, 54 and 55. Claim 21 is independent.

Independent claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Jain.

GROUP VI CLAIMS:

Group VI consists of claims 35 and 36. Claim 35 is independent.

Claim 35 stands rejected as being unpatentable under 35 U.S.C. § 103(a) over Anderson in view of Jain.

GROUP VII CLAIMS:

Group VII consists of claims 37-40. Claim 37 is independent.

Independent claim 37 stands rejected as being unpatentable under 35 U.S.C. § 103(a) over Anderson in view of Jain.

GROUP VIII CLAIMS:

Group VIII consists of claims 41-44. Claim 41 is independent.

Independent claim 41 stands rejected as being unpatentable under 35 U.S.C. § 103(a) over Anderson in view of Jain and in further view of Blanchard et al., "Blanchard" (US Patent No. 6,782,102).

GROUP IX CLAIMS:

Group IX consists of claims 45-49. Claim 45 is independent.

Independent claim 45 stands rejected as being unpatentable under 35 U.S.C. § 103(a) over Anderson in view of Jain and in further view of Ausems et al., "Ausems" (US 6,434,403).

GROUP X CLAIMS:

Group X consists of claims 50-53. Claim 50 is independent.

Independent claim 50 stands rejected as being unpatentable under 35 U.S.C. § 103(a) over Anderson in view of Jain and in further view of Ausems.

VII. ARGUMENTS

Prior to discussing the Appellants' position, Appellants believes it would be helpful for the Board if it could first read a brief description of the Anderson and Jain references, which have served *in combination* as the primary references for Examiner's rejection of all claims in the appealed application.

ANDERSON

Two key distinctions are found in the Anderson et al reference. First, Anderson is not operated as a "hand held device", and the device described in the Anderson reference is specifically referred to and taught as being a "head mounted display." In fact, the Anderson reference is entitled "audio/video signal distribution system for *Head Mounted displays*." FIG. 4 copied from Anderson shows the device 104 as being a "Head Mounted Display." Second, Anderson does not teach, nor can it reasonably expect to achieve with its head mounted display form factor, the real-time, *simultaneous* viewing of video captured from more than one camera at an entertainment venue.

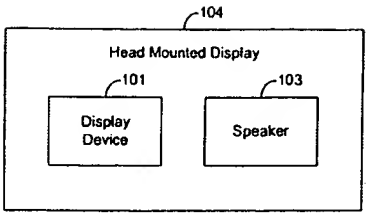


FIG. 4

With regard to the first distinction, the preferred embodiment of Anderson teaches a head mounted display in a well known form factor similar to binoculars. Anderson requires the user to mount a binocular-like device up to the user's eyes in order to view a video presentation. Anderson describes the head mounted display "HMD" 104 by referring to another well known "head mounted" device from the prior art. Specifically, the Anderson reference calls on support for a HMD into his specification by referring to U.S. Patent No. 5,844,656 entitled "Head Mounted Display with Adjustment Components" by Ronzani et al, which is specifically incorporated by reference in Anderson (i.e., see column 25, lines 25-30). A close review of Ronzani et al reveals that HMD 104 in Anderson is not in fact a hand held device. FIGS. 1-9 clearly teach a device that is "head mounted" and not a device that is "hand held". FIG. 8 of Ronzani has been copied below to illustrate the type of device taught by Anderson.

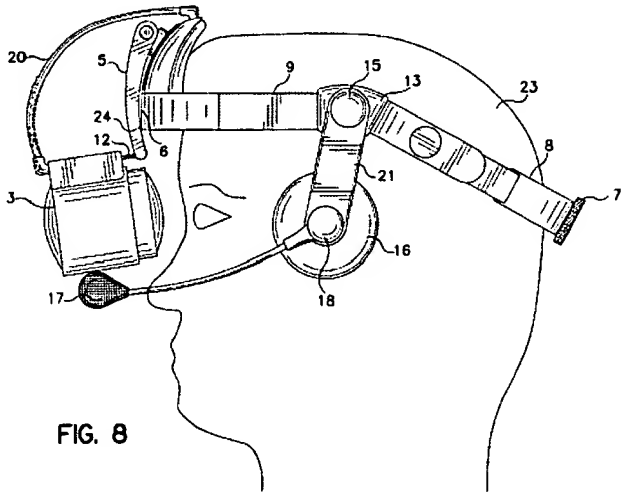


FIG. 8

The HMD 20 taught by Ronzani et al, like Anderson's, must be attached to a person's head 23 during use. As indicated at column 3, lines 39-65 of Ronzani et al, a headband (8) is utilized to attach the HMD to a person's head (23). Additionally, Ronzani et al points out at column 2, lines 15-17 that it is "a further object of this invention to provide an adjustable HMD that is designed to be comfortably worn over a long period of time".

Thus, the HMD taught by Ronzani at et and Anderson is worn by or attached to a person's head and does not constitute a hand held device during operation. The Anderson device is not similar to the "hand held" device taught by appellants, such as PDAs, cellular telephones, hand held televisions, or the like, which are specifically held in a user's hand during use for viewing video and are more conducive to enabling the user to view more than one video signal simultaneous on a display and for enabling selection of a single video image by the user.

JAIN

The specification in Jain describes the use of physically wired computer workstations to simultaneously view and edit video from more than one displayed video perspective at a time. As shown below in FIG. 3 copied from the Jain et al reference, workstations are intended for use on a desktop or workbench, would be connected by wires to power and a network, and by their very nature are not capable of being hand held and would not be useful to attendees at a live entertainment venue.

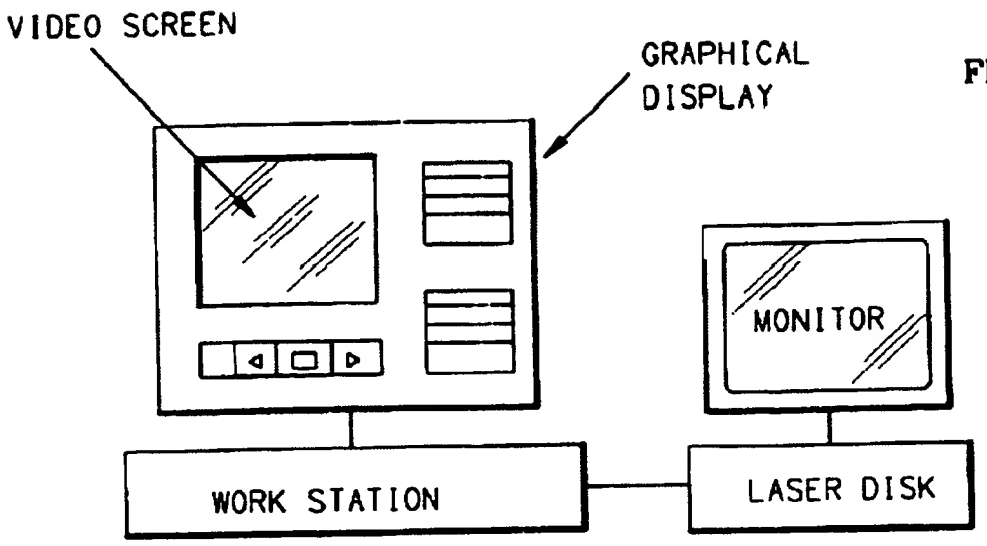


FIG. 3

Jain's limitations are most apparent by observing Figures 3, 4 and 12 and reading the supporting text in Jain's specification. Jain does not hint or suggest at the use of workstations as hand held devices by users at an entertainment venue. Such use would clearly be impossible given a workstation's physical wiring and power requirements, and unbearable to a user given a workstation's weight and size.

APPLICABLE LEGAL STANDARD

The obligation of the Examiner to go forward and produce reasoning and evidence in support of obviousness under 35 U.S.C. §103 is clearly defined at M.P.E.P. §2142:

> The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

M.P.E.P. §2143 sets out the three basic criteria that a patent examiner must satisfy to establish a *prima facie* case of obviousness necessary for establishing a rejection to a claim under 35 U.S.C. §103:

1. some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;

2. a reasonable expectation of success; and

3. the teaching or suggestion of all the claim limitations by the prior art reference (or references when combined).

It follows that in the absence of such a *prima facie* showing of obviousness under 35 U.S.C. §103 by the examiner (assuming there are no objections or other grounds for rejection), an applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443 (Fed. Cir. 1992).

Thus, in order to support an obviousness rejection under 35 U.S.C. §103, the Examiner is obliged to produce evidence compelling a conclusion that each of the three aforementioned basic criteria has been met. If the examiner fails to produce such a conclusion for each of the aforementioned criteria, the rejection must be withdrawn.

CONSOLIDATED ARGUMENT IN SUPPORT OF PATENTABILITY OF GROUPS I-VII:

Claims 1-17 (Group I), 18 (Group II), 19 (Group III), 20 (Group IV), 21-34, 54 and 55 (Group V), 35-36 (Group VI) and 37-40 (Group VII) are nonobvious and patentable over Anderson, Jr. et al., "Anderson" (U.S. Patent No. 6,578,203) in view of Jain et al., "Jain" (US Patent No. 5,729, 471).

Independent claim 1, 18, 19, 20, 21, 35 and 37 are separate and stand or fall apart from each other.

The Examiner argued that the Anderson reference teaches capturing video images from more than one perspective of a venue-based activity using more than one video camera (citing column 2, lines 26-28 of Anderson) and processing the video images into venue-based data formatted for wireless transmission via a wireless network for use by more than one *hand held device* each having a display screen (citing column 5 lines 22-38 of Anderson). The Examiner also states that

Anderson shows a user interface that allows the user to select the video and audio combination for display on the hand held device (citing column 5, lines 38-46 of Anderson).

The Examiner admits that Anderson fails to teach a display screen adapted for simultaneously viewing more than one perspective of venue-based data captured by more than one video camera, but argues that Jain et al does (Column 33, lines 61-67). The Examiner suggests that it would have been obvious to one of ordinary skill reading Jain to use multiple cameras from different perspectives to display a plurality of different perspectives on the display screen of a "hand held device" since it would just be a matter of having a display that is capable of displaying the multiple images simultaneously.

The Examiner's arguments fail for three important reasons: First, Anderson does not teach or suggest a "hand held device", but instead teaches a "head mounted display." Second, Anderson is limited because it can only view one video source/image at a time. Third, Jain et al only describes the use of physically wired computer workstations to view more than one video perspective at a time for editing purposes, not entertainment. The Jain et al workstations by their very nature are not capable of being hand held and clearly would not be useful for entertainment purposes at a live venue.

Relevant language from independent claims 1, 18, 19, 20, 21, 35 and 37 illustrate the elements not taught by Anderson and Jain, and which are not obviated by the combination of Jain with Anderson:

> **1.** A method for providing venue-based data to *hand held devices*, said method comprising the steps of:
>
> capturing video images from more than one perspective of a venue-based activity using more than one video camera; and
>
> processing said video images into venue-based data formatted for wireless transmission via a wireless network for use by more than one *hand held device* each *having a display screen adapted for simultaneously viewing more than one perspective of venue-based data captured by more than one video camera*.

18. A method for wirelessly transmitting venue-based data to at least one *hand held device having a display screen*, said method comprising the steps of:

wirelessly transmitting venue-based data including video to at least one hand held device from at least one venue-based data source;

processing said venue-based data to provide processed data including more than one video perspective for display on said display screen associated with said at least one hand held device; and

simultaneously displaying more than one video perspective processed data on said display screen of said at least one hand held device, thereby enabling a user of said at least one hand held device to view more than one video perspective at a time through said at least one hand held device.

19. A method for transmitting more than one perspective captured at a venue-based activity to *hand held devices* through a wireless network, said method comprising the steps of:

capturing video images from more than one perspective of a venue-based activity using more than one video camera;

processing said more than one perspective for display on a display screen associated with said hand held device; and

simultaneously transmitting more than one perspective of a venue-based activity to hand held devices from at least one venue-based data source, thereby enabling a user of said hand held device to simultaneously view venue-based perspectives through said hand held device.

20. A method for displaying a particular perspective of a venue-based activity at a *hand held device having a display screen*, said method comprising the steps of:

simultaneously capturing a plurality of video perspectives of a venue-based activity utilizing more than one camera;

processing said plurality of video perspectives for display on a display screen associated with said hand held device;

wirelessly transmitting to said ~~a~~ hand held device said plurality of video perspectives of a venue-based activity from said at least one venue-based data source;

simultaneously displaying more than one video perspective on said display screen; and

displaying a particular video perspective on said ~~a~~ display screen, in response to a user selection of said particular video perspective from among said more than one video perspective.

21. A system for providing venue-based data to *hand held devices*, said system comprising:

at least one transmitter adapted for transmitting video from said at least one venue-based data source to said *hand held devices adapted with a display screen for simultaneously displaying more than one video perspective captured at an entertainment venue*.

35. A system for *wirelessly transmitting venue-based data in packets to venue-based wireless hand held devices*, said system comprising:

at least one processor for processing data captured by at least one venue-based video camera into data packets for transmission to remote wireless hand held devices, *wherein said wireless hand held devices each comprise a display screen for displaying said data*; and

at least one transmitter for *wirelessly transmitting said data packets to a said remote wireless hand held devices.*

37. A system for *transmitting more than one video perspective of a venue-based activity for display at at least one hand held device* located at said venue, said system comprising:

a server for processing *data representing said more than one video perspective captured by more than one venue-based video camera for transmission to said at least one hand held device*, wherein said at least one *hand held device is associated with a display screen for displaying said data*; and

a wireless gateway for transmitting said more than one video perspective to said at least one *hand held device*.

One skilled in the art would not be motivated to combine Jain with Anderson to arrive at a "hand held device" capable of simultaneous display of video data. A binocular-styled device is only usable by one person at a time – it is not a social device. Jain is intended for use by a single user at a time and would likely providing edited images for very large screens such the "Jumbotron" typically deployed above the action in large arenas. No hint or suggestion can be expected to be found by a skilled artisan by combining Anderson and Jain because their intended uses are divers. Only hindsight, after full knowledge of Appellants' specification, would cause the skilled to be motivated to arrive at such a combination. Furthermore, a combination as suggested by the Examiner would not produce an operational device. The skilled when exposed to the restrictive teachings of Anderson and Jain would not be motivated to create a "hand held device" capable of simultaneous display given the Anderson reference's specific focus on a binocular-styled form factor, and the Jain workstation cannot be easily carried and held at an entertainment venue.

As raised by Appellants' third point, one must note that Jain does not provide the teaching or suggestion of a "hand held device" as claimed and taught by Appellants. Jain does not teach a hand held device such as, for example, a PDA, wireless telephone and/or hand held television. Instead, Jain only teaches the use of workstations such as personal desktop computers for use to edit video. Jain et al when combined with Anderson does not teach or suggest the use of a hand held device such as a PDA, wireless telephone and/or hand held television to view more than one video perspective simultaneously on a hand held device display. In fact, Jain only teaches away from the use of hand held devices because Jain's focus is to provide a workstation for editorial functions. Jain instead focuses on the use of computer workstations, which by their very nature are clearly immobile devices and suffer from severe size, weight and wiring limitations. No comparison can be made of workstations to the ease of using hand held devices at entertainment venues.

Jain clearly lacks utility in a live entertainment venue application because workstations cannot perform as hand held mobile devices. Furthermore, the proactive editorial processes described by Jain would not be useful in Anderson given, especially in light of Anderson's device limitations.

Based on the foregoing, the Appellants submit that the rejection to the claims belonging to GROUPS I-VII under 35 U.S.C. § 103(a) based on the combination of the Jain and Anderson references fails under the first, second and third prongs of the aforementioned prima facie obviousness test. First, the Examiner has not proven that there is a suggestion or motivation in either Jain or Anderson, or in the knowledge generally available to one of ordinary skill in the art, that a workable combination can be achieved when they are modified or combined as suggested. This is so particularly in light of the fact neither Jain nor Anderson, individually or in combination with one another, teach a "hand held device" as taught in Appellants' specification. Secondly, the Examiner has not provided an explanation as to how a reasonable expectation of success for such a combination can exist given the severe weight and size limitations in Jain and the restrictive head mounted form factor of Anderson. Third, the Examiner has not provided the teaching or suggestion of all the claim limitations of independent claims 1, 18, 19, 20, 21, 35 and 37 using the published references Jain/Anderson when combined in the suggested manner.

Because the teaching, hint of or suggestion of a "hand held device" capable of simultaneous viewing more than one video perspective captured by cameras at a live venue as claimed and taught by Appellants is not provided by the combination of Anderson and Jain et al, either alone or in combination with one another, the Appellants respectfully request reversal of the rejection to the claims of GROUPS I-VII under 35 U.S.C. § 103(a). Appellants have also shown that one skilled in the art would not be motivated to combine Anderson and Jain without the benefit of hindsight. Anderson and Jain are simply not combinable as a basis for rejecting the Appellants' claims as written because there is no reasonable hint or suggestion that can be found in either reference to do so, Anderson and Jain describe different apparatus that are not logically combinable to render a usable device, and a combination would never be used as a hand held device. Therefore the rejected claims should have been allowed.

Regarding claim 37, the Examiner also argues that Anderson teaches a server, or network, for processing data representing the one video perspective captured by the more than one venue-based video camera for transmission to the at least one hand held device, where the at least one wireless hand held device is associated with a display screen for displaying the data (citing column 6, lines 48-55 of Anderson). The Appellants respectfully disagree with this assessment and submit that the arguments presented above against the rejection to claims 1, 18, 19, 20, 21, 35 and 37 under 35 U.S.C. § 103(a) apply equally to the additional rejection to claim 37. The Appellants submit that the arguments presented above by the Examiner with respect to claim 37 are irrelevant in light of the fact that neither Jain nor Anderson teach, hint at or suggest, individually or in combination with one another, a hand held device capable of simultaneous video perspective display as taught and claimed by Appellants.

ARGUMENT IN SUPPORT OF PATENTABILITY OF GROUP VIII CLAIMS:

Claims 41-44 are nonobvious and patentable under 35 U.S.C. § 103(a) over Anderson in view of Jain and in further view of Blanchard et al., "Blanchard" (US Patent No. 6,782,102).

Regarding independent claim 41, the Examiner admits that Anderson and Jain fail to teach security. Security as taught and claimed by Appellants in claim 41 is to be used over the transmission of signals and can include use of an encryption module that encrypts data, including video, prior to its transmission to hand held devices located in an entertainment venue. Examiner argues that Blanchard teaches security (citing column 2, lines 9-22 of Blanchard). The Examiner rejected claim 41 and argues that Blanchard shows that it is common and well known to use encryption/decryption algorithms. The Examiner asserts that it would be obvious to one of ordinary skill to apply a security method that uses an encryption algorithm to secure transmitted data.

Independent claim 41 reads as follows:

41. A system for providing venue-based data including video to hand held devices located within an entertainment venue, said hand held devices including a single video display, a user interface, a wireless transceiver and having a slot adapted for receiving a removable module, said system comprising:

more than one video camera simultaneously capturing video images at the entertainment venue;

a processor for processing said video images with encryption coding, wherein said video images are encrypted prior to broadcasting of said video signals to the hand held devices located within the entertainment venue;

at least one transmitter for transmitting encrypted video signals to the hand held devices for selective display on the single video display associated with the hand held devices located within the entertainment venue;

at least one receiver for receiving service requests from the hand held devices located within the entertainment venue; and

at least one server for processing the service requests received from the hand held devices located within the entertainment venue.

The Appellants respectfully disagree with the Examiner's assessment that claim 41 is obvious. Anderson, Jain and Blanchard, individually or in combination with one another do not teach or suggest to one skilled in the art a system including *a processor for processing said video images with encryption coding, wherein said video images are encrypted prior to broadcasting of said video signals to the hand held devices located within the entertainment venue*. Also, Anderson, Jain and Blanchard, individually or in combination with one another do not teach or suggest to one skilled in the art a system including *at least one transmitter for transmitting encrypted video signals to the hand held devices for selective display on the single video display associated with the hand held devices located within the entertainment venue*. Furthermore, Anderson, Jain and Blanchard, individually or in combination with one another do not teach or suggest to one skilled in the art a system including *at least one receiver for receiving service requests from the hand held devices located within the entertainment venue; and at least one server for*

processing the service requests received from the hand held devices located within the entertainment venue.

Anderson, Jain and Blanchard fail to teach or suggest all three of the distinguishing elements found in claim 41. It would be unlikely that the combination of Anderson, Jain and Blanchard would enable one skilled in the art to utilize security methods to arrive at Appellants' invention as claimed in independent claim 41 to create secured two-way communication between hand held devices and enterprise systems during the transmission of more than one video signal for "selective display on a single display associated with a hand held device".

Appellants therefore respectfully request reversal of the rejection to the claims belonging to Group VIII.

CONSOLIDATED ARGUMENT IN SUPPORT OF PATENTABILITY OF GROUPS IX-X:

Claims 45-49 (Group IX) and 50-53 (Group X) are nonobvious and patentable under 35 U.S.C. § 103(a) over Anderson in view of Jain and in further view of Ausems et al., "Ausems" (US 6,434,403).

Independent claim 40 and 50 are separate and stand or fall apart from each other.

Regarding independent claim's 45 and 50, the Examiner acknowledges that Anderson and Jain fail to specifically teach that the hand held device may be a personal digital assistant or wireless telephone. The Examiner argues that "it would have been obvious to one of ordinary skill to use alternate hand held devices in the forms of a personal digital assistant or a wireless telephone in order to make more use of the wireless network being used at the venue-based entertainment." Appellants disagree.

Claims 45 and 50 provide as follows:

45. A system for providing venue-based data to wireless personal digital assistants, said system comprising:

more than one venue-based camera, wherein each of said more than one venue-based camera is adapted to capture a different video perspective within an entertainment venue;

a data processing system adapted for receiving, processing and transmitting video perspectives received from more than one camera for simultaneous display at a single display integrated with at least one wireless personal digital assistant located within the entertainment venue.

50. A system for providing venue-based data to wireless telephone, said system comprising:

more than one venue-based camera, wherein each of said more than one venue-based camera is adapted to capture a different video perspective within an entertainment venue;

a data processing system adapted for receiving, processing and transmitting video perspectives received from more than one camera for simultaneous display at a single display integrated with at least one wireless telephone located within the entertainment venue.

The combination of Anderson, Jain and Ausems clearly fails to teach *a data processing system adapted for receiving, processing and transmitting video perspectives received from more than one camera for simultaneous display at a single display integrated with at least one [wireless telephone or personal digital assistant] located within the entertainment venue.* Appellants have already shown where Anderson and Jain fail to teach a "hand held device" and also fail to teach simultaneous videos displayed on a hand held device. It is even less likely that one skilled in the relevant art would be motivated to combine Anderson and Jain with Ausems to develop a hand held display that can display more than one image at a time (simultaneous display) at an entertainment venue. If anything, Ausems merely suggests that the basic functions of a PDA and wireless telephone can be combined into a single hand held unit. One skilled in the art would have to make quit a leap reading Ausems, which does not discuss the display of video, to be motivated to combine the references as suggested by the Examiner to arrive at an enterprise system including a *data*

processing system adapted for receiving, processing and transmitting video perspectives received from more than one camera for simultaneous display at a single display integrated with at least one [wireless telephone or personal digital assistant] located within the entertainment venue.

The Appellants submit that column 4, lines 40-50 of Ausems cited by the Examiner is irrelevant in light of the fact that Anderson, Jain and Ausems, individually or in combination with one another do not teach, suggest or disclose a hand held device as taught by Appellants' invention as indicated above. Column 4, lines 40-50 of Ausems does not even discuss video functionality. Furthermore, Ausems teaches away from Anderson's head mounted display device, which is clearly an important aspect of Anderson given its incorporatation by reference of Rozani's head mounted apparatus. One skilled in the art would not be motivated to combine Anderson and Ausems because they clearly come from two very diverse technical angles. Anderson and Ausems teach away from each other. Ausems would not benefit from a combination with Jain. Once skilled in the art would not likely be motivated to select all three references and combine them as suggested by the Examiner without using the benefit of Hindsight.

Because Anderson, Jain and Ausems could not likely motivate the skilled to arrive at a combination that would render a *data processing system adapted for receiving, processing and transmitting video perspectives received from more than one camera for simultaneous display at a single display integrated with at least one [wireless telephone or personal digital assistant] located within the entertainment venue* without the benefit of hindsight, it would be improper to combine Anderson, Jain and Ausems as a basis for arguing that the combination thereof teaches all of the claim limitations of claims 45 and 50. Appellants therefore respectfully request reversal of the rejections to the claims belonging to Groups IX and X based on the foregoing arguments.

SUMMARY OF ARGUMENTS AND CONCLUSION

The claims of the present invention are not taught or suggested by the combination of Anderson et al and Jain et al, which are the primary reference used to reject Appellants' independent claims under 35 U.S.C. §103(a) as obvious. Combining these references fails to teach or yield the invention as claimed. The combination of Anderson and Jain fails to teach or suggest all the elements of the claims as discussed herein. Furthermore, one of skill in the art would not be motivated to make such a combination, nor would such a combination work since neither reference teaches hand held devices or simultaneous viewing of video data from more than one camera on a display integrated with a hand held device. Therefore, the independent claims of the appealed application are not obvious in light of any combination of Anderson and Jain.

Appellants also respectfully submit that their arguments support that claims 1, 18, 19, 20, 21, 35, 37, 41, 45 and 50 are independently allowable. Furthermore, Appellants submit that claims 2-17, 22-34, 36, 38-40, 42-44, 46-49 and 51-56 are allowable given their dependence upon their respective independent claims that have been shown to be allowable.

Appellants respectfully request that the Board reverse the rejections of claims 1-56 and instruct the Examiner to allow claims 1-56.

Respectfully submitted,

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VIII. CLAIMS APPENDIX

1. A method for providing venue-based data to hand held devices, said method comprising the steps of:

capturing video images from more than one perspective of a venue-based activity using more than one video camera; and

processing said video images into venue-based data formatted for wireless transmission via a wireless network for use by more than one hand held device each having a display screen adapted for simultaneously viewing more than one perspective of venue-based data captured by more than one video camera.

2. The method of claim 1 further comprising the step of:

transmitting said venue-based data to at least one hand held device having said display screen.

3. The method of claim 2 further comprising the step of:

providing said at least one hand held device as a hand held device adapted for use with a module that contains at least one of electronics or access codes that permit said at least one hand held to receive and display said venue-based data.

4. The method of claim 1 further comprising:

receiving said venue-based data at least one hand held device;

processing said data to provide more than one video perspective for simultaneous display on a display screen associated with said at least one hand held device, in response to receiving said data at said at least one hand held device; and

simultaneously displaying more than one video perspective on said display screen, thereby enabling a user of said at least one hand held device to view more than one video perspective at a time through said at least one hand held device.

5. The method of claim 1 wherein said at least one video camera is adapted to provide high-resolution wide-angle video data.

6. The method of claim 2 further comprising the step of:

transmitting data from said at least one venue-based data source through a transmitter associated with said at least one venue-based data source for transmission to said at least one hand held device.

7. The method of claim 2 further comprising the step of:

broadcasting said data to said at least one hand held device through wireless communications.

8. The method of claim 1 further comprising the step of:

transmitting said data from said at least one venue-based data source to said at least one hand held device through more than one ~~a~~ wireless transmitter associated with said wireless network.

9. The method of claim 8 further comprising the step of:

transferring said data through a wireless gateway associated with said wireless network.

10. The method of claim 4 wherein the step of displaying said processed data including more than one video perspective on said display screen, further comprises the step of:

displaying said processed data on said display screen, in response to user input through a user interface associated with said hand held device and

displaying a single video perspective on said display screen following a user selection of the single video perspective at said user interface.

11. The method of claim 10 wherein said display screen comprises a touch sensitive display operable for the user selection.

12. The method of claim 4 wherein the step of displaying said processed data on said display screen, further comprises the step of:

displaying a single video perspective of said venue-based activity on said display screen, in response to a user selection of said single video perspective of said venue activity using a user interface.

13. The method of claim 1 further comprising the step of:

processing said data for display on said display screen associated with said at least one hand held device utilizing at least one image-processing module.

14. The method of claim 1 wherein said venue-based data comprises real-time video data.

15. The method of claim 1 wherein said venue-based data further comprises instant replay video data.

16. The method of claim 1 wherein said venue-based data further comprises promotional information.

17. The method of claim 1 wherein said venue-based data further comprises advertising information.

18. A method for wirelessly transmitting venue-based data to at least one hand held device having a display screen, said method comprising the steps of:

wirelessly transmitting venue-based data including video to at least one hand held device from at least one venue-based data source;

processing said venue-based data to provide processed data including more than one video perspective for display on said display screen associated with said at least one hand held device; and

simultaneously displaying more than one video perspective processed data on said display screen of said at least one hand held device, thereby enabling a user of said at least one hand held device to view more than one video perspective at a time through said at least one hand held device.

19. A method for transmitting more than one perspective captured at a venue-based activity to hand held devices through a wireless network, said method comprising the steps of:

capturing video images from more than one perspective of a venue-based activity using more than one video camera;

processing said more than one perspective for display on a display screen associated with said hand held device; and

simultaneously transmitting more than one perspective of a venue-based activity to hand held devices from at least one venue-based data source, thereby enabling a user of said hand held device to simultaneously view venue-based perspectives through said hand held device.

20. A method for displaying a particular perspective of a venue-based activity at a hand held device having a display screen, said method comprising the steps of:

simultaneously capturing a plurality of video perspectives of a venue-based activity utilizing more than one camera;

processing said plurality of video perspectives for display on a display screen associated with said hand held device;

wirelessly transmitting to said ~~a~~ hand held device said plurality of video perspectives of a venue-based activity from said at least one venue-based data source;

simultaneously displaying more than one video perspective on said display screen; and

displaying a particular video perspective on said ~~a~~ display screen, in response to a user selection of said particular video perspective from among said more than one video perspective.

21. A system for providing venue-based data to hand held devices, said system comprising:

at least one transmitter adapted for transmitting video from said at least one venue-based data source to said hand held devices adapted with a display screen for simultaneously displaying more than one video perspective captured at an entertainment venue.

22. The system of claim 21 further comprising:

processor for processing said video for display on the display screen associated with at least one hand held device.

23. The system of claim 21 wherein said at least one venue-based data source comprises a wireless gateway.

24. The system of claim 21 wherein video captured by at least one video camera is adapted to provide high-resolution wide-angle video data.

25. The system of claim 21 wherein:

said video is captured by at least one wireless video camera.

26. The system of claim 21 further comprising:

at least one video camera associated with said transmitter adapted for broadcasting video data from said at least one venue-based data source to said at least one hand held device, wherein said at least one hand held device is located within a venue.

27. The system of claim 21 wherein said transmitter further comprises:

a wireless gateway for transferring said data through a wireless local area network to said at least one hand held device.

28. The system of claim 27 wherein said hand held device is adapted with a touch sensitive display screen operable as a user interface.

29. The system of claim 21 further comprising:

a security module for securing said data prior to transmission by said transmitter.

30. The system of claim 21 further comprising:

an encryption module for encrypting said data prior to transmission by said transmitter.

31. The system of claim 21 wherein said venue-based data comprises video replays.

32. The system of claim 21 wherein said venue-based data further comprises instant replay video data.

33. The system of claim 23 wherein said venue-based data further comprises promotional information.

34. The system of claim 23 wherein said venue-based data further comprises advertising information.

35. A system for wirelessly transmitting venue-based data in packets to venue-based wireless hand held devices, said system comprising:

at least one processor for processing data captured by at least one venue-based video camera into data packets for transmission to remote wireless hand held devices, wherein said wireless hand held devices each comprise a display screen for displaying said data; and

at least one transmitter for wirelessly transmitting said data packets to a said remote wireless hand held devices.

36. The system of claim 35 further comprising:

at least one security module for encrypting said data prior to said transmitting of said data to said wireless hand held device by said at least one transmitter.

37. A system for transmitting more than one video perspective of a venue-based activity for display at at least one hand held device located at said venue, said system comprising:

a server for processing data representing said more than one video perspective captured by more than one venue-based video camera for transmission to said at least one hand held device, wherein said at least one hand held device is associated with a display screen for displaying said data; and

a wireless gateway for transmitting said more than one video perspective to said at least one hand held device.

38. The system of claim 37 further comprising a security module for encrypting said data prior to transmission by said wireless gateway.

39. The system of claim 37 further comprising a module that contains at least one of electronics or access codes that permit said at least one hand held device to receive said data representing said at least one video perspective captured by said at least one venue-based video camera, wherein said at least one hand held device is adapted for use with said module.

40. The system of claim 39 wherein said module comprises a smart card.

41. A system for providing venue-based data including video to hand held devices located within an entertainment venue, said hand held devices including a single video display, a user interface, a wireless transceiver and having a slot adapted for receiving a removable module, said system comprising:

more than one video camera simultaneously capturing video images at the entertainment venue;

a processor for processing said video images with encryption coding, wherein said video images are encrypted prior to broadcasting of said video signals to the hand held devices located within the entertainment venue;

at least one transmitter for transmitting encrypted video signals to the hand held devices for selective display on the single video display associated with the hand held devices located within the entertainment venue;

at least one receiver for receiving service requests from the hand held devices located within the entertainment venue; and

at least one server for processing the service requests received from the hand held devices located within the entertainment venue.

42. The system of claim 41 further comprising a removable module that contains at least one of electronics or access codes that permit said at least one hand held device to receive said data transmitted by said at least one transmitter.

43. The system of claim 42 wherein said removable module comprises a smart card.

44. The system of claim 41 wherein said at least one server is adapted for processing at least one concession order as a part of said service requests.

45. A system for providing venue-based data to wireless personal digital assistants, said system comprising:

more than one venue-based camera, wherein each of said more than one venue-based camera is adapted to capture a different video perspective within an entertainment venue;

a data processing system adapted for receiving, processing and transmitting video perspectives received from more than one camera for simultaneous display at

a single display integrated with at least one wireless personal digital assistant located within the entertainment venue.

46. The system of claim 45, said at least one personal digital assistant further comprising a removable module that contains at least one of electronics or access codes that permit said at least one personal digital assistant to receive said video perspectives transmitted by said data processing system.

47. The system of claim 46 wherein said removable module comprises a smart card.

48. The system of claim 46 wherein said module comprises a removable cartridge that provides decryption codes to enable said at least one personal digital assistant to receive video perspectives from said data processing system, if said video perspectives are encrypted.

49. The system of claim 46 wherein said removable module further comprises a plurality of tuners integrated with said at least one personal digital assistant, wherein said plurality of tuners are activated by at least one personal digital assistant to receive video perspectives transmitted from said data processing system for display at a display screen associated with the at least one personal digital assistant.

50. A system for providing venue-based data to wireless telephone, said system comprising:

more than one venue-based camera, wherein each of said more than one venue-based camera is adapted to capture a different video perspective within an entertainment venue;

a data processing system adapted for receiving, processing and transmitting video perspectives received from more than one camera for simultaneous display at a single display integrated with at least one wireless telephone located within the entertainment venue.

51. The system of claim 50, said at least one wireless telephone further comprising a removable module that contains at least one of electronics or access codes that permit said at least one wireless telephone to receive said video perspectives transmitted by said data processing system.

52. The system of claim 51 wherein said removable module comprises a smart card.

53. The system of claim 51 wherein said module comprises a removable cartridge that provides decryption codes to enable said at least one wireless telephone to receive video perspectives from said data processing system, if said video perspectives are encrypted.

54. The system of claim 51 wherein said removable module further comprises a plurality of tuners integrated with said at least one wireless telephone, wherein said plurality of tuners are activated by at least one wireless telephone to receive video perspectives transmitted from said data processing system for display at a display screen associated with the at least one wireless telephone.

55. The system of claim 21 wherein said transmitter further comprises:

a wireless transmitter for transmitting said data in packets through a wireless network to said at least one hand held device.

56. The system of claim 26 wherein said processed data is displayable on said display screen, in response to user input through a user interface associated with said hand held device.